

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATA CARRIERS LLC,

Plaintiff,

v.

HESS CORPORATION,

Defendant.

CIVIL ACTION NO. 2:15-cv-80

JURY TRIAL DEMANDED

PLAINTIFF’S ANSWER TO DEFENDANT’S COUNTERCLAIMS

Plaintiff Data Carriers LLC (“DC”) files its Answer to Defendant Hess Corporation (“Hess”) Counterclaims (Dkt. No. 13) filed May 14, 2015, as follows. Plaintiff’s specific responses to the numbered allegations are set forth below.

COUNTERCLAIMS

PARTIES

21. Admitted.

22. Admitted.

JURISDICTION AND VENUE

23. Plaintiff admits that this Court has subject matter jurisdiction over its claims of patent infringement against Defendant regarding Defendant’s infringement of U.S. Patent No. 5,388,198. Except as so admitted, the remaining allegations in paragraph 23 are denied.

24. Plaintiff admits that this Court has personal jurisdiction over Defendant regarding Plaintiff’s claims that Defendant infringes the ‘198 patent. Except as so admitted the remaining allegations in paragraph 24 are denied.

25. Plaintiff admits that venue is proper in this district for the adjudication of its claims against Defendant. Except as so admitted, the remaining allegations in Paragraph 25 are denied.

FACTS

26. Admitted.

27. Admitted.

COUNT I – DECLARATORY JUDGMENT THAT DEFENDANT DOES NOT INFRINGE U.S. PATENT NO. 5,388,198

28. To the extent that Defendant seeks to incorporate by reference the allegations and averments of its forgoing paragraphs, such incorporation is improper under Fed. R. Civ. P. 8(c) and requires no response.

29. Plaintiff admits that there is an actual and justiciable controversy between Plaintiff and Defendant regarding Plaintiff's claims of patent infringement against Defendant for Defendant's infringement of U.S. Patent No. 5,388,198 ("198 Patent"). Except as so admitted the remaining allegations in paragraph 29 are denied.

30. Denied.

COUNT II – DECLARATORY JUDGMENT THAT U.S. PATENT NO. 5,388,198 IS INVALID DECLARATION REGARDING INVALIDITY

31. To the extent that Defendant seeks to incorporate by reference the allegations and averments of its forgoing paragraphs, such incorporation is improper under Fed. R. Civ. P. 8(c) and requires no response.

32. Plaintiff admits that there is an actual and justiciable controversy between Plaintiff and Defendant regarding Plaintiff's claims of patent infringement against Defendant for

Defendant's infringement of U.S. Patent No. 5,388,198 ("198 Patent"). Except as so admitted the remaining allegations in paragraph 32 are denied.

33. Denied.

PRAYER FOR RELIEF

Defendant's Prayer for Relief is an averment to which no responsive pleading is required pursuant to Fed. R. Civ. P. 8(d) and is therefore denied.

DEMAND FOR JURY TRIAL

Defendant's Demand for Jury Trial is an averment to which no responsive pleading is required pursuant to Fed. R. Civ. P. 8(d) and is therefore denied.

Dated: May 26, 2015

Respectfully submitted,

By: */s/ Austin Hansley*
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile, and/or first class mail on this date

/s/ Austin Hansley
Austin Hansley